

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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No.: 05 CV 2272 (GBD)

No.: 07 CV 7313 (GBD)

JHONY SANTIAGO CABRERA, Individually
and on behalf of other similarly situated,

Plaintiffs,

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

-against-

211 GARAGE CORP., 301 PARK CORP.,
221 THOMPSON STREET PARK CORP.,
PARK IT MANAGEMENT CORP., UNKNOWN
CORPORATIONS "A"- "Z"
FRED "FREDDY" WHITE AND ROY BERNARD,

Defendants.

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AGREEMENT by and between plaintiffs JHONNY SANTIAGO CABRERA ("CABRERA"), FRANCISCO RODAS ("RODAS"), ADEL ASANSIOS ("ASONOSTOS"), DIEGO TORRES ("TORRES"), VICTOR MARTE ("MARTE"), HECTOR MALDONADO ("MALDANADO"), JOSE V. LOPEZ ("LOPEZ"), GUILLERMO URGILES ("URGILES"), RAMON MELENDEZ ("MELENDEZ"), GABRIEL MARTINEZ ("MARTINEZ") and JAIME RAFAEL CHERREZ PERALTA ("PERALTA"), individually and on behalf of others similarly situated (collectively "PLAINTIFFS"), and defendants 211 GARAGE CORP., 301 PARK CORP., 221 THOMPSON STREET PARK CORP., PARK IT MANAGEMENT CORP., UNKNOWN CORPORATIONS "A" - "Z", FRED "FREDDY" WHITE, ROY SHOMBER a/k/a ROY BERNARD and MITCHELL GERBER (collectively "DEFENDANTS").

WHEREAS, CABRERA has asserted certain claims against the DEFENDANTS in an action filed in the United States District Court, Southern District of New York entitled Jhonny Santiago Cabrera, individually and on behalf of others similarly situated, v. 211 Garage Corp., 301 Park Corp., 221 Thompson Street Park Corp., Park It Management Corp., Unknown Corporations “A”-“Z”, Fred “Freddy” White and Roy Bernard, Index No.: 05 CV 2272 (GBD) (the “Action”); and

WHEREAS, on November 5, 2007, the Action was consolidated with an action filed in the United States District Court, Southern District of New York entitled Francisco Rodas, individually and on behalf of others similarly situated, v. Park It Management, 211 Garage Corp., 301 Park Corp., 221 Thompson Street Park Corp., Unknown Corporations “A”-“Z”, Fred “Freddy” White, Roy Shomber a/k/a Roy Bernard and Mitchell Gerber, Index No.: 07 CV 7313 (GBD), in which RODAS was the lead plaintiff; and

WHEREAS, on August 22, 2008, the Court (Daniels, J.) executed an Order granting PLAINTIFFS’ motion for preliminary collective action certification and to circulate a notice of pendency and consent to join; and

WHEREAS, consents to join the Action were circulated to all potential plaintiffs to this Action; and

WHEREAS, certain individuals have filed consents to join the Action to be named plaintiffs in the Action, specifically:

- (a) ASANSIOS (March 20, 2009);
- (b) TORRES (March 20, 2009);
- (c) MARTE (March 20, 2009);

- (d) MALDONADO (March 20, 2009);
- (e) LOPEZ (March 20, 2009);
- (f) URGILES (March 20, 2009);
- (g) MELENDEZ (March 20, 2009);
- (h) MARTINEZ (March 25, 2009); and
- (i) PERALTA (June 5, 2009); and

WHEREAS, PLAINTIFFS AND DEFENDANTS, in order to amicably resolve all matters in controversy, disputes, causes of action, claims, contentions and differences, including plaintiffs' claims under the Fair Labor Standards Act, have reached a full and final compromise and settlement of all matters in controversy, disputes, causes of action, claims, contentions and differences which have been alleged by the respective parties in this Action; and

WHEREAS, plaintiffs counsel has been unable to contact plaintiff Guillermo Urgiles despite numerous attempts to do so, and where the Settlement Agreement provides that defendants are to pay Urgiles the sum of \$1,500.00 which sum is to be held in escrow by plaintiffs' counsel;

WHEREAS, on April 28, 2010, the undersigned attorneys of record for all parties appeared for a conference and informed the Court that the case been resolved. The Court, having been informed of the terms of the resolution of the claims under the Fair Labor Standards Act, approved of the settlement terms as fair, reasonable and equitable resolutions of the disputed overtime claims;


IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for defendants and plaintiffs, that:

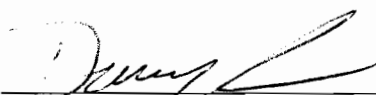
- 1) The parties agree to abide by all terms of the Settlement Agreement.
- 2) Plaintiffs' counsel will be required to hold in escrow plaintiff Guillermo Urgiles' settlement payment for a period of six months from the date of this Stipulation and Order of Dismissal. In the event, Guillermo Urgiles does not claim said sum within the six month period of time, plaintiffs' counsel shall return said \$1,500.00 to defendants' counsel.
- 3) This action shall be, and the same hereby is, dismissed with prejudice, without costs or attorneys fees to any party as against any other party and with no party as a prevailing party.
- 4) The Clerk of the Court shall mark this case closed.

Dated: New York, New York
April 28, 2010

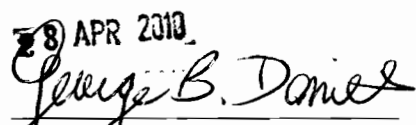
LEWIS, CLIFTON & NIKOLAIDIS, P.C.

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Defendants' Counsel

SO ORDERED:


George B. Daniels, U.S.D.J.
HON. GEORGE B. DANIELS